

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JEREMY BELLAMY,

Plaintiff,

VS.

FORD MOTOR COMPANY,

Defendant.

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CIV. ACTION NO. 5:22-cv-941

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(JURY TRIAL)

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Ford Motor Company (“Ford”) gives notice of removal of an action filed in the 408th Judicial District Court of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division. In support of this removal, Ford would show this Court as follows:

Preliminary Matters

1. On July 25, 2022, an action was commenced by Plaintiff Jeremy Bellamy against Defendant Ford Motor Company in the 408th Judicial District Court of Bexar County, Texas styled *Jeremy Bellamy v. Ford Motor Company, Inc*, Cause No. 2022CI13865. (See Tab 2, Appendix to Notice of Removal (“App.”))

2. On August 8, 2022, a copy of Plaintiff’s Original Petition was served by process server on Ford’s registered agent for service of process in the State of Texas. (App. Tab 3)

3. On August 26, 2022, Ford answered the state court petition. (App. Tab 4)

Nature of the Case

4. This is a product-liability action arising from an alleged incident that occurred on or about March 22, 2021, in Universal City, Texas. (App. Tab 2, Orig. Pet. at ¶ 10) Plaintiff

Jeremy Bellamy alleges that on March 22, 2021, he was working as a police officer with the Universal City Police Department when he was found unconscious and non-responsive in his police vehicle by a passerby, who then called 911. (*Id.*) He was taken to the emergency room and subsequently admitted to the hospital. (*Id.*) Plaintiff alleges that Bellamy was “diagnosed with carbon monoxide poisoning, and pneumonia caused by aspiration of fluids triggered by the carbon monoxide poisoning” which in turn causes him to continue “to experience health issues related to the incident” and continue “to seek medical attention” for “chronic migraines, issues with sleeping, nightmares, and short-term memory loss.” (*Id.* at ¶¶ 11, 14)

5. Plaintiff’s claims include negligence and gross negligence, and design, marketing, and manufacturing defects. (*Id.* at ¶ 17–29) Plaintiff alleges that the Ford Explorer police vehicle was “defective and unreasonably dangerous in manufacture and marketing” and “failed to perform safely” because it was designed, manufactured, and assembled “in such a way that exhaust and other gases, including poisonous carbon monoxide, are allowed to enter the cabin of the vehicle.” (*Id.* at ¶¶ 19, 26)

Basis for Removal

6. Removal is proper because complete diversity exists between the parties under 28 U.S.C. § 1332(a)(1) and the amount in controversy exceeds the requirement for diversity jurisdiction under 28 U.S.C. § 1332(a).

7. Plaintiff Jeremy Bellamy is an individual residing in Saint Hedwig, Bexar County, Texas. (App. Tab 2, Orig. Pet. at ¶ 5) Ford is, currently and at all times relevant to this action, a Delaware corporation with its principal place of business in Dearborn, Michigan. (*Id.* at ¶ 6) Complete diversity exists between the parties. 28 U.S.C. § 1332(a).

8. Plaintiffs’ Original Petition seeks “monetary relief over \$250,000 but not more than \$10,000,000. (App. Tab 2, Orig. Pet. at ¶ 9) Based on the face of Plaintiff’s Original

Petition, Plaintiff's damage claims meet the \$75,000 amount in controversy requirement for diversity jurisdiction. 28 U.S.C. § 1332(b).

Removal Is Timely

9. Pursuant to 28 U.S.C. § 1446(b), notice of removal generally must be filed within thirty (30) days of receipt of an initial pleading or service of summons. Ford was served with summons and Plaintiff's Original Petition on August 8, 2022. (App. Tab 3). Therefore, Ford files this Notice of Removal within the 30-day time-period as required by 28 U.S.C. § 1446(b).

Jury Trial Requested

10. A jury trial has been requested in the state-court action.

Other Requirements

11. On filing of this Notice of Removal, Ford will provide written notice to Plaintiff in this action and will file a copy of the Notice of Removal with the Clerk of the Court for the 408th Judicial District, Bexar County, Texas.

12. The 408th Judicial District Court of Bexar County, Texas is located in the Western District of Texas, San Antonio Division. Further, the Appendix accompanying this Notice of Removal contains the executed process and pleading served on Ford, as well as the docket sheet on file in this matter. *See* Appendix to Notice of Removal, attached hereto.

Conclusion and Prayer

Based upon the foregoing, Defendant Ford Motor Company removes this action from the 408th Judicial District Court of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division, for jury trial and determination, and requests all other relief to which it shows itself entitled.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS FORD MOTOR
COMPANY, LEIF JOHNSON, and SILSBEE FORD**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all known counsel of record as set forth below in compliance with the Federal Rules of Civil Procedure on this 30th day of August, 2022.

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